

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEROME JUNIOR WASHINGTON,)	
)	
Plaintiff,)	Civil Action No. 19-1460
)	
v.)	Senior District Judge Joy Flowers Conti
)	Magistrate Judge Lisa Pupo Lenihan
)	
CAPTAIN CRUM, LT. TROUT, U.M.)	
LACKEY, MAJOR BAZUS, CERT)	
TEAM JOHN DOES 1 TO 12,)	
)	
Defendants.)	

ORDER

AND NOW, this 16th day of March 2022, **IT IS HEREBY ORDERED** that for the reasons set forth in the accompanying opinion, the objections (ECF Nos. 69, 72) filed by plaintiff Jerome Junior Washington (“Washington”) to the Report and Recommendation (“R&R”) (ECF No. 66) of the magistrate judge are overruled;

IT IS FURTHER ORDERED that the R&R is adopted in part and rejected in part as set forth in the accompanying opinion;

IT IS FURTHER ORDERED that the partial motion for judgment on the pleadings (ECF No. 36) is **GRANTED** to the extent that certain claims in issue in that motion are being either dismissed without prejudice or dismissed with prejudice and denied with respect to any claim asserted under the Fourteenth Amendment for violations of the Eighth Amendment, which is subsumed into the Eighth Amendment claim;

IT IS FURTHER ORDERED that the claims for monetary damages asserted under 42 U.S.C. § 1983 against defendants Crum, Trout, Lackey, and Bazus (the “named defendants”) in their official capacities will be dismissed without prejudice to the refiling, if applicable law permits, of those claims in a court of competent jurisdiction;

IT IS FURTHER ORDERED that the claims for injunctive relief asserted under § 1983 against the named defendants in their official capacities will be dismissed with

prejudice as moot and the judgments based upon the dismissal with prejudice are neither final nor appealable;

IT IS FURTHER ORDERED that the § 1983 claims for violations of Washington's right of access to the courts under the First and Fourteenth Amendments based upon the named defendants failing to respond to his grievances are dismissed with prejudice and the judgments based upon the dismissal with prejudice are neither final nor appealable;

IT IS FURTHER ORDERED that the § 1983 claims for violations of Washington's rights guaranteed by the Fifth Amendment are dismissed with prejudice and the judgments based upon the dismissal with prejudice are neither final nor appealable; and

IT IS FURTHER ORDERED that the supervisory claims asserted against Crum, Lackey, and Bazus are dismissed without prejudice.

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Senior United States District Court Judge

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(Via CM/ECF electronic mail)